

HOUSE BILL 398

By Chumney

AN ACT to amend Tennessee Code Annotated, Title 41, relative to the Tennessee corrections institute and local jails and workhouses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 41-4-140(a), is amended by deleting the first sentence of subdivision (4), redesignating the remaining portion of subdivision (4) as (4)(B) and appropriately inserting the following language as subdivision (4)(A):

(A) Except as provided in subdivision (c)(5), establish and enforce procedures to ensure compliance with this section so as to ensure the welfare of all persons committed to such institutions. Such compliance procedures shall include, but are not limited to:

- (i) issuance of provisional certification;
- (ii) decertification;
- (iii) issuance of an order, after a contested case hearing pursuant to the Uniform Administrative Procedures Act under Title 4, Chapter 5, Part 3, excluding a county from participating in the subsidy program pursuant to chapter 8 of this title; and

(iv) initiation of an action to enforce the standards authorized by this section. Any such action may be initiated by the board, through the office of the attorney general and reporter, in the circuit court in the county in which the facility is located. Upon complaint filed, an injunction may be entered prohibiting the confinement of any county, municipal or state prisoner in any local correctional facility that does not meet the standards or that imposes a threat to the health or safety of inmates in the facility.

SECTION 2. Tennessee Code Annotated, Section 41-4-140(a), is further amended by inserting the following language as a new, appropriately designated subdivision:

(5) Promulgate such rules and regulations, pursuant to the Uniform Administrative Procedures Act set forth in Title 4, Chapter 5, Part 2, as may be necessary and appropriate to effectuate the purposes of this section and chapter 7 of this title.

SECTION 3. This act shall apply to inspections occurring after the effective date of this act.

SECTION 4. For purposes of rulemaking, this act shall take effect upon passage, the public welfare requiring it. For all other purposes, this act shall take effect upon July 1, 2001, the public welfare requiring it.